

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 16509 of 2004

Between:

M/s. MVS Brick Works,

rep. by its Proprietor M.R.Venu S/o. Ramanjulu Naidu,
R/o. D.No. 25-317, Rajeevnagar,

2nd cross/ Kakathopu Palamaneru, Chittoor District.

..... PETITIONER

AND

1 The Senior Branch Manager,

A.P. State Finance Corporation, Balaji Nagar,

Tirupathi, Chittoor Dist.

2 The Chief General Manager,

A.P. State Finance Corporation, Chirag Ali Lane,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus declaring the action of the respondents in not communicating an order of OTS though the settlement was arrived on 29.11.2003 with the second respondent as illegal, improper, unjust, arbitrary and contrary to law and further direct the respondents to accept the balance amount of Rs. 3.74,50/- by communicated the OTS decision to the petitioner herein.

Counsel for the Petitioner: Mr. K.G.KRISHNA MURTHY

Counsel for the Respondents: Mr. Y.N.LOHITA

The Court at the admission stage made the following ORDER:

The petitioner borrowed certain amounts from the 1st respondent-branch and the 2nd respondent-Corporation. The petitioner was instructed to appear before the representative of the 2nd respondent-Corporation for One Time Settlement. The petitioner contends that he submitted an application for One Time Settlement and during the deliberations with the representative of the 2nd respondent-Corporation, it was agreed to settle the matter for Rs.4,25,000/- under One Time Settlement scheme. The petitioner contends that in pursuance of the said settlement, he paid Rs.5000/- on 29-12-2003 and Rs.20,000/- on 27-02-2004 against the direction to pay 15% of the down payment of the principal which comes to Rs.50,500/- to avail the benefit of the said scheme. The petitioner further contends that the proposal along with his application was forwarded to the 2nd respondent-Corporation for approval and it is pending with the 2nd respondent-Corporation since then. The petitioner, therefore, approached this Court seeking to declare the action of the 2nd respondent-Corporation in not communicating the order of One Time Settlement Scheme in pursuance of the settlement arrived at on 29-11-2003 with the 2nd respondent-Corporation as illegal, arbitrary and contrary to law and to direct the respondents to accept the balance amount of Rs.3,74,500/-.

The learned counsel for the respondents represented that though the proposal was sent by the 1st respondent along with the application of the petitioner to the 2nd respondent-Corporation, it is for the 2nd respondent-Corporation to take a final decision regarding the acceptance of the application of the petitioner for One Time Settlement Scheme.

Having regard to the submissions made by both the parties, the 2nd respondent (Head Office) is directed to pass appropriate orders on the proposal, if any, sent by the 1st respondent along with the application of the petitioner within eight weeks from the date of receipt of a copy of this order and communicate the result to the petitioner.

Accordingly, the Writ Petition is disposed of.

(Dr. G.YETHIRAJULU,J)

27th October, 2004.

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To

1. The Senior Branch Manager,
A.P. State Finance Corporation, Balaji Nagar,
Tirupathi, Chittoor Dist.
2. The Chief General Manager,
A.P. State Finance Corporation, Chirag Ali Lane,
Hyderabad.

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